Message

From: Faeth, Lisa [Faeth.Lisa@epa.gov]
Sent: 10/26/2018 4:00:15 PM
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Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

If the Democrats Get Control of the House ...

Democratic lawmakers are plotting their strategy in the event they regain control of the House of Representatives after the Nov. 6 midterm elections. High on their list is vigorous oversight of the Trump administration's environmental agenda.

Pursuing legislation to strengthen environmental protections would be futile without control of the Senate or White House. But committees led by Democrats can sap agencies' deregulatory agendas with a string of oversight hearings, grilling of political appointees, and numerous document requests.

"The Democrats will become live players," Republican strategist Mike McKenna tells Jennifer A. Dlouhy of Bloomberg News. "They won't be able to set the tone, but they will

GREENWIRE ARTICLES

EPA trumpets lead enforcement actions

Ariel Wittenberg, E&E News reporter

Published: Thursday, October 25, 2018

A woman cleaning a window in an older home while wearing protective equipment. Cade Martin/Dawn Arlotta/U.S. Center for Disease Control and Prevention/Pixio

EPA has completed 141 enforcement actions in the past year to make sure contractors, landlords and others comply with regulations related to lead paint, the agency announced today.

"EPA's work to enforce federal lead paint laws helps protect communities across the country," Office of Enforcement and Compliance Assurance Assistant Administrator Susan Bodine said in a statement. "These cases also hold violators accountable for their actions and help maintain a level playing field for companies that follow the rules."

https://www.eenews.net/greenwire/2018/10/25/stories/1060104395

CHEMICAL WATCH ARTICLES

EPA issues TSCA 'not likely' finding for polymer

25 October 2018 / Substance notification & inventories, TSCA, United States

The US EPA has published a TSCA "not likely to present an unreasonable risk" finding for a new polymer, which will allow it to come to market without restriction.

The TSCA section 5(a)(3)(C) determination was based on a risk assessment conducted during review of the substance's pre-manufacture notice (PMN). This identified low environmental hazard, but the potential for developmental toxicity from metabolic products of the low molecular weight fraction.

The risk assessment concluded that this hazard does not present a concern for workers, because the calculated margin of exposure (MOE) exceeded the benchmark MOE for dermal exposures. Risks to workers via inhalation exposure were not evaluated because this was not expected under the conditions of use. Risks to consumers were not assessed for the same reason.

The EPA's review of the new substance – 2,5-furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate – began on 6 November last year. The EPA issued its decision on 2 October, but published it on its website some three weeks later.

Further Information:

- Finding P-18-0041
- TSCA 'not likely' findings

Echa round-up

25 October 2018 / Alternatives assessment & substitution, Europe, REACH

Manual checks of justification for opt-outs

Echa is to begin manually checking all new registrations where the registrant has chosen to opt out of the data submitted jointly by co-registrants to see whether they include a proper justification as required by REACH.

The checking will begin on 1 December. Echa says if a registrant wants to submit all of their data on their own, or if there is disagreement with the lead registrant on access to the joint submission, they should contact the agency. If the request is justifiable it will grant access to the joint submission.

Dossiers relying entirely on the registrant's own data are prioritised for compliance check, the agency says.

Response to Ueapme position paper

Echa has responded to a position paper from Ueapme, the European trade body for SMEs, on its suggestions for making REACH more workable for small and medium-sized companies. The agency addresses points raised on registration, authorisation, communication in the supply chain, Brexit, intermediates, nanomaterials, interaction with occupational safety and health and balancing financial and administrative burdens.

Four substances added to draft Corap list

Four more substances have been added to Echa's draft list of substances to be evaluated under the Community Rolling Action Plan (Corap) for the period 2019-2021. The agency previously announced that there

would be 96 substances on the list. This has now been increased to 100. Of these substances, 31 are currently planned for evaluation in 2019. The final plan will be published next March

Substance evaluation conclusion for 2,4,6-tri-tert-butylphenol

A substance evaluation conclusion document is available on Echa's website for 2,4,6-tri-tert-butylphenol. It was added to the Corap list in 2017 and evaluated by Belgium.

Iuclid 6 upgrade

The latest Iuclid version, 6.3.1, is now available to download from the Iuclid website. New features include an optional web-based interface, which Echa says provides "a more streamlined user experience". There are also changes to the format, which cover, for example, the latest versions of the OECD harmonised templates, specific elements for microorganism datasets and support for European poison centre notifications.

Echa is running a webinar on the changes to help users on 31 October. The agency recommends its Iuclid Cloud Services for users with a small number of registrations. These always automatically updates to the latest version.

Related Articles

- Member states to evaluate 96 chemicals in 2019-21

Further Information:

- Manuals on dossier preparation
- Ueapme response
- Corap list
- Subtance evaluation

Brazil releases draft law for chemical management

Presidential runoff vote could delay legislation

25 October 2018 / Brazil, Chemical manufacturing, Standards

Brazil has released the long-awaited details of its draft law for chemical management, a major step in the country's plan to create a national inventory of substances and strengthen the environmentally sound management of chemicals.

The draft law, released on 17 October, is a joint effort involving government, industry, NGOs and academia. While the rationale, instruments, principles, technical and institutional requirements are now defined, Brazil's legal advisory unit must still finalise the text. The unit does not have the mandate to change the draft substantively, however.

The document outlines the registration, evaluation and risk management of industrial chemicals. It includes institutional responsibilities for its delivery and penalties for non-compliance. Brazil's aim is to catalogue and control the most hazardous chemicals for health and the environment, and to present a sound management programme.

Election uncertainty

However, it is unclear how Brazil's legislative plans might be affected should right-wing presidential candidate Jair Bolsonaro win the 28 October runoff election. Mr Bolsonaro has vowed to cut the number of government ministries by about half to 15 and merge the environment and agriculture ministries.

'We cannot predict what is going to happen,' a Brazilian government spokeswoman told Chemical Watch

"We cannot predict what is going to happen," a Brazilian government spokesperson told Chemical Watch. "He [Mr Bolsonaro] is a great defender of the simplification of regulations, so he might have some resistance to the draft law on chemicals."

It is also unclear when, or if, the proposed legislation might take effect in law. If there are no delays, Brazil's environment ministry could send the draft to the country's executive office – the Civil House – within weeks. The Civil House, which sends proposed laws of the executive powers to Congress, would examine its potential impact, political issues, consult all ministries involved, and conduct further work to see if there is overlap with existing legislation.

While the document had input from multiple institutions and public consultation, that analysis could take up to several months, depending on whether the president considers it a priority. It could be delayed further if the new president wants to approve the draft before sending it to Brazil's National Congress for further scrutiny.

Enforcement

Brazil's draft law on chemical management will be enforced by existing institutions, including the Environment Agency (Ibama), Health Agency (Anvisa), Consumer Products Agency (Inmetro) and Ministry of Labour.

They will have the power to apply warnings, fines, interdict non-compliant activity, to seize or disable goods, and/or to suspend or cancel the registration (where applicable).

Penalties can be incurred by:

- failing to register information in the National Chemicals Registry System on a substance that is either produced or imported;
- providing false, incomplete or misleading information in the registry or subsidising the risk assessment of the substance;
- failing to update the information in the registry when there is change in the data, according to Article 11;
- qualifying information as confidential which does not have such legal protection;
- failing to provide an existing Cas number;

- failing to comply with the determined risk management measures; and
- producing, importing, marketing, donating or using chemical substances, mixtures and articles in violation of the provisions of the law and its regulations.

Argentina collaboration

The draft law was presented during a debate at the Pan American Health Organization (PAHO/WHO) in Brasilia in mid October. Government representatives from Argentina, Canada and Sweden attended.

Brazil is working closely with Argentina to improve chemical management. Argentina is developing its own law, similar to Brazil's, to facilitate the exchange of useful information.

"The idea is to rationalise the efforts of government and the industry, avoiding the establishment of different requirements, criteria, strategies," the Brazilian government spokeswoman told Chemical Watch.

Denise Hamú, the UN Environment representative in Brazil, said the country has made significant progress to meet its environmental obligations. This includes the updated national implementation plan for the Stockholm Convention on persistent organic pollutants, she said.

Brazil has established a coordination mechanism to manage chemical substances, called the National Commission of Chemical Safety (Conasq).

In a statement, Letícia Reis de Carvalho, from the environment ministry (MMA), said the environmentally sound management of chemical substances is inseparable from sustainable development: "Without this, it is not possible to talk about the full implementation of Agenda 2030."

The UN established the Agenda 2030 goals in 2015.

Caroline Byrne

Deputy news editor

Related Articles

- Brazil finalises draft law for industrial chemicals regulation
- Brazil and Argentina agree joint approach to chemicals management
- Sweden 'prepared' for UN's 2030 sustainability goals

Further Information:

- Brazil's draft law on chemicals management

EU bodies accused of 'ping-ponging' on REACH compliance 'scandal'

MEPs say list of non-compliant companies must be published

25 October 2018 / Europe, REACH

European authorities and member states must stop blaming each other for the high levels of non-compliance in REACH registration dossiers and decide "where the buck stops", MEPs say.

Wednesday's plenary session of the European Parliament centred on a major study published last month on non-complaint REACH dossiers.

One MEP called the study findings the "Dieselgate of the chemicals industry"—alluding to German carmaker Volkswagen's admission in 2015 that it rigged millions of diesel vehicles worldwide to thwart emissions tests—and accused the authorities of "washing their hands off it".

The study, carried out by the German Federal Institute for Risk Assessment (BfR) and Environment Agency (UBA), investigated more than 3,800 dossiers submitted across the EU. Some 32% of substances at tonnage levels of 1,000tpa and above were found to be non-compliant.

The results triggered highly critical NGO reports saying the European authorities were "blindly" allowing harmful substances on the market.

In an angry address, Bas Eickhout, a Dutch MEP and member of the GreenLeft, accused the Commission and the Council of "pointing fingers at each other" about missing data, which he said was one of the most important issues on human health.

"The non-compliance is there because the data is not there, but (the substance) is on the market," he said. "The member states do know it. What are they going to do to those companies who are non-compliant?"

German Green MEP Martin Häusling called the compliance study findings a "scandal" for the chemicals industry.

There are more than 600 chemicals on the European market without proper checks, he said. "We need to say who is not providing the right documents", Mr Häusling added. "Where does the buck stop? We need to find who is behind this and make sure they pay the price."

The European Chemical Industry Council (Cefic) said the data gaps were partly due to confusion about non-animal testing methods—one of the objectives of REACH.

While compiling dossiers, Cefic said, "it appeared that there were various interpretations on how to use these methods." It is working with Echa and member states to develop a common approach to alternative methods.

Call for transparency

MEPs also criticised the low level of dossier rejections—just four of about 40,000 dossiers registered with Echa have been revoked since 2010—and called for more transparency around non-compliant companies.

French MEP Younous Omarjee, from the Confederal Group of the European United Left, Nordic Green Left, said the list of companies not fulfilling data requirements must be published.

Phil Hogan, Commissioner for Agriculture and Rural Development, said the Commission was "aware" of the report's findings. He spoke on behalf of Environment Commissioner Karmenu Vella, who could not attend the plenary.

"I can assure you we are not ping-ponging at all about the issue," Mr Hogan said, pointing to the publication of 16 actions the Commission suggested to improve implementation of REACH after its second Review of the Regulation.

One of the actions called for Echa to "significantly increase" the efficiency of the dossier evaluation procedures by 2019, Mr Hogan said. The Commission is also looking at "incentives" for companies to review their dossiers and update them when necessary, and it is considering an implementing Act to support Article 22, he added.

Some member states and Norway have called for the Act to clarify conditions set out in Article 22 and ensure companies regularly review and update dossiers.

The EU executive will also consider further measures to improve enforcement in the first quarter of 2019, Mr Hogan added.

Clelia Oziel

Reporter

Related Articles

- REACH registration project finds low compliance rates
- EU 'blindly' allows hazardous chemicals on the market – NGO
- EU publishes delayed second REACH Review
- EU states call for REACH dossier update Regulation

Further Information:

- Plenary Session
- Workshop conclusions

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OTHER ARTICLES

EPA Continues to Approve Toxic PFAS Chemicals Despite Widespread Contamination

The Intercept

Such chemicals, like PFOA and PFOS, have been associated with cancers, hormonal disruption, obesity, and immune and reproductive problems.

These unregulated, potentially dangerous chemicals are probably already in your bloodstream

Massive

On October 4, 2018, an Ohio firefighter and a former corporate defense ... In June, the Agency for **Toxic Substances** and Disease Registry (ATSDR), ...

Denmark to squish toxic toy problem

The Copenhagen Post - Danish news in english

The environment and food minister, Jakob Ellemann-Jensen, stated that the fines for selling toys laden with **toxic compounds** would be substantially ...

Dumond Chemicals Applauds Ban of Methylene Chloride and Toxic Solvent...

Virtual-Strategy Magazine

Additionally, the EPA (Environmental Protection Agency) has been studying the **harmful** effects of these **chemicals**, where several fatalities have been ...

Organophosphate exposures during pregnancy and child neurodevelopment: Recommendations ...

PLoS Blogs (blog)

High exposure to OP compounds leads to acute poisoning from the ..... providers on both acute and chronic effects of exposures to **toxic chemicals**, ...